

# **Notice of Allowability**

Application No.

09/954,872

Examiner

Lewis A. Bullock, Jr.

Applicant(s)

PIKE ET AL.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to response filed 7/26/05.
2. ☒ The allowed claim(s) is/are 1-52, 54 and 55 now renumbered 1-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Canning and Edihoon Lee on August 26 and August 31, 2005.

The application has been amended as follows:

- **The claims are amended to the following disclosed in the appendix and faxed by Applicant with the following added:**
  - Claim 18, line 1-2 is amended to correct antecedent basis by **replacing** "the interface hardware and the user interface" with "interface hardware and an user interface".
  - Claim 44, line 2 is amended to correct antecedent basis by **replacing** "between the" with "between".
- The title is amended to "Common Communication System for Control Instruments".

- The specification at page 6, line 17 is amended by **deleting** "(?)".
- The specification at page 21, line 26 is amended by **deleting** "(This is described above)".

2. The following is an examiner's statement of reasons for allowance: All of the claims are allowable for at least the following reasoning: All of the claims detail an interface, i.e. a common communication interface, for communicating with a control instrument via a driver that is specific to the hardware of the control instrument and a command interpreter of the interface wherein the command interpreter generates a command that is not recognized in the specified driver of the instrument and having the command converted by an intermediate entity to a command that is recognized in the driver such that the command interpreter communicates with the control instrument independently of an interface bus standard type and an interface hardware driver type, i.e. platform independent communication. The cited prior art of record, both newly cited and previously applied, do not teach the cited interface as disclosed in the claims or the functionality of performing the conversion as performed by Applicant's invention, herein described above. The cited prior art of record at best teaches communication with a platform specific hardware component through a platform independent structure or vice versa. For example, see U.S. Patent Publication 2002/0170039, U.S. Patent 6,862,735. However, the references either allude one structure knowing the commands of the other

(U.S. Patent 5,926,775, U.S. Patent Publication 2002/0170039 wherein the generic commands are commands applicable to multiple hardware and operating systems and is determined based on received information of system capabilities) or one component being able to communicate with another component such that the commands are mapped (U.S. Patent 6,862,735). There is no language in the references of performing the conversion between non-recognized and recognized commands in a communication interface having the defined components independently of bus-standard types and an interface hardware driver types as defined in the claims. Therefore, the claims are allowable over the cited prior art of record.

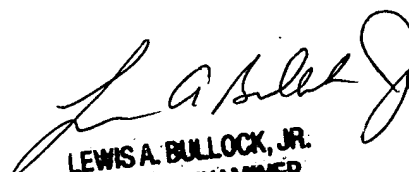
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LEWIS A. BULLOCK, JR.  
PRIMARY EXAMINER

August 31, 2005

Attachment:

Appendix of Amended Claims